

Arrest on Out-of-District Offense

# UNITED STATES DISTRICT COURT

## SOUTHERN DISTRICT OF CALIFORNIA

### ARREST ON OUT-OF-DISTRICT OFFENSE


Magistrate Case Number: '07 MJ 8915

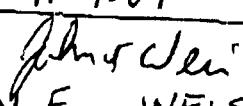
The person charged as GARCIA-Hernandez, Lorenzo now appears before this United States District Court for an initial appearance as a result of the following charges having been filed in the United States District Court for the Northern District of California with Probation Violation in violation of 18 United States Code, Section 3583

The charging documents and the warrant of the arrest of the defendant which was issued by the above United States District Court are attached hereto.

I hereby swear under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information and belief.

DATED: 11/06/2007

  
 (Name) A. FERNANDEZ ST., SOUSM  
 Deputy United States Marshal

Reviewed and Approved:  
 Dated: 11-7-07  
  
JOHN F. WEIS  
 Assistant United States Attorney

**FILED**  
 NOV 08 2007  
 CLERK, U.S. DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA  
 BY TAM DEPUTY

730861  
AO 442 (Rev. 5/93) Warrant for Arrest

0611-0511-0903-D

United States District Court  
Northern District of California

UNITED STATES OF AMERICA,

v.

WARRANT FOR ARREST

Lorenzo Garcia-Hernandez

Case Number: CR03-20064-01 JW

To: The United States Marshal  
and any Authorized United States Officer

YOU ARE HEREBY COMMANDED to arrest Lorenzo Garcia-Hernandez

and bring him or her forthwith to the nearest magistrate judge to answer a(n)

☐ Indictment ☐ Information ☐ Complaint  
☐ Order of Court ☐ Violation Notice ☒ Probation Violation Pctition

charging him or her with Violation of the Conditions of Supervision

in violation of Title 18 United States Code, Section(s) 3583

Gordana Macic

Name of Issuing Officer

Deputy Clerk

Title of Issuing Officer

*Gordana Macic*

Signature of Issuing Officer

5/11/2006, San Jose, CA

Date and Location

NORTHERN DISTRICT  
OF CALIFORNIA

05 MAY 11 AIO:19

RECEIVED  
UNITED STATES MARSHAL

Bail fixed at \$ NO-BAIL by

James Ware

Name of Judicial Officer

RETURN

This warrant was received and executed with the arrest of the above-named defendant at \_\_\_\_\_

|                |                                     |                                |
|----------------|-------------------------------------|--------------------------------|
| Date received  | Name and Title of Arresting Officer | Signature of Arresting Officer |
| Date of Arrest |                                     |                                |

# UNITED STATES DISTRICT COURT

for

NORTHERN DISTRICT OF CALIFORNIA

San Jose Venue

**FILED**

MAY 10 2006

## Petition for Arrest Warrant for Offender Under Supervision

CLERK U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE

Name of Offender: Lorenzo Garcia-Hernandez Docket No.: CR 03-20064-01-JW

Name of Sentencing Judge: James Ware  
United States District Judge

Date of Original Sentence: June 10, 2003

## Original Offense:

Count One: Improper Entry by an Alien, 8 U.S.C. § 1325(a), a Class B misdemeanor  
Count Two: Improper Entry by an Alien, Subsequent Offense, 8 U.S.C. § 1325(a), a Class E felonyOriginal Sentence: Thirty (30) months Bureau of Prison custody, one (1) year supervised release  
Special Conditions: Special assessment \$110.00; comply with ICE, not reenter the United StatesType of Supervision: Supervised Release  
Assistant U.S. Attorney: Carter M. StewartDate Supervision Commenced: June 20, 2005  
Defense Counsel: H. David Grunbaum (AFPD)

### Petitioning the Court

The issuance of a no bail warrant for the offender's arrest.

I, Michael A. Whitener, a Probation Officer employed in the United States District Court for the Northern District of California, solemnly affirm and declare, under penalty of perjury, that to the best of my information and belief, the facts set forth in this affidavit are true and correct. The factual affirmations made below are based on my personal knowledge, on official records or documents generated and maintained by my agency in the course of performing its functions, on official records or documents generated and maintained by other government agents or agencies in the course of performing their functions, or on information provided to me orally or electronically by employees or agents of other public agencies (information developed or acquired in the course of performing official agency functions).

|  |    |
|--|----|
| RECEIVED                                   |    |
| MAY 11 AM 9:59                             |    |
| NORTHERN DISTRICT OF CALIFORNIA            |    |
| INITIALS                                   |    |
| 17   | LL |
| DISTRICT COURT<br>CRIMINAL CASE PROCESSING |    |

Lorenzo Garcia-Hernandez  
CR 03-20064-01 JW

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Charge Number      Violation

One      There is probable cause to believe that the offender violated the standard condition which states while on Supervised Release you shall not commit another federal, state or local crime and shall not illegally possess a controlled substance. Revocation of supervised release is mandatory for possession of a controlled substance.

On April 10, 2006, a ten-count Criminal Complaint was filed in the Monterey County Superior Court Docket No. SS061312A, charging the offender with the following: Count One - Transportation/Sale of a Controlled Substance (felony); Count Two - Possession For Sale of a Controlled Substance (felony); Counts Three & Eight - Possess Narcotic Controlled Substance (felony); Count Four - Transport/Sell Controlled Substance (felony); Count Five - Controlled Substance/Possession for Sale (felony); Counts Six & Seven - Possession of a Controlled Substance (felony); Count Nine - Felon in Possession of a Firearm; and Count Ten - Driving With a Suspended License/Revoked License for Driving Under the Influence of Drugs/Alcohol (misd.).

On April 8, 2006, Salinas Police Officer Kendall Carson Gray (Identification #32513) was on patrol and was attached to the Violence Suppression Unit with Officer Benjamin Robert Smith (Identification #79932). While on patrol, Officer Gray observed a vehicle drive pass him and identified the driver as Lorenzo Garcia. Officer Gray had previous information that Lorenzo Garcia was involved in selling drugs and that his driver's license was suspended or revoked.

Officer Gray conducted a vehicle stop and asked the offender for his driver's license. The offender reported that he was unlicensed. Officer Gray placed the offender under arrest for Driving With a Suspended License (misd.). A search incident to arrest revealed that the offender possessed a large wad of U.S. currency totaling \$1,200. The currency was in the denomination of \$20 bills and was located on the offender's person. Officer Gray subsequently obtained a search warrant for the offender's residence.

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During the search of the offender's residence, officers located approximately 1.1 grams of marijuana, an unloaded 9 millimeter Beretta semi-automatic firearm, two loaded 15-round magazines, a light green colored digital scale, approximately 9.6 grams of methamphetamine, and approximately 2.7 grams of cocaine.

During a search of the offender, officers located 18 cellophane plastic bindles which tested presumptively positive for methamphetamine, and 5 cellophane plastic bindles which tested presumptively positive for cocaine.

Evidence of this offense is available in the Salinas Police Department Case #06-040514. This matter is scheduled for a preliminary hearing on May 8, 2006.

Two

There is probable cause to believe that the offender violated the special condition which states the defendant shall comply with the rules and regulations of the Immigration and Naturalization Service and, if deported, not reenter the United States without the express consent of the United States Attorney General. Upon reentry into the United States, whether legally or illegally, during the period of court ordered supervision, the defendant shall report to the nearest U.S. Probation Office within 72 hours.

On July 14, 2005, written correspondence from the Bureau of Immigration and Customs Enforcement states that the offender was deported to Mexico on July 5, 2005.

As noted in Charge No. One, on April 8, 2006, the Salinas Police Department conducted a traffic stop on a vehicle being operated by the offender.

During the traffic stop, the police questioned the offender about employment. The offender reported that he was unemployed and had recently arrived from Mexico. Evidence of this offense is available in the Salinas Police Department Case #06-040514.

The offender reentered the United States without the express consent of the United States Attorney General. Upon reentry into the United States during the period of court ordered supervision, the offender failed to report to the nearest U.S. Probation Office within 72 hours.

Address of offender: Monterey County Jail

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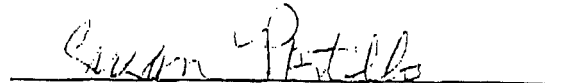
Based on the foregoing, there is probable cause to believe that Lorenzo Garcia-Hernandez violated the conditions of his supervision. Therefore, I ask the Court to issue a no bail warrant for his arrest.

Respectfully submitted,



Michael A. Whitener  
U.S. Probation Officer  
Date Signed: May 9, 2006

Approved as to form:

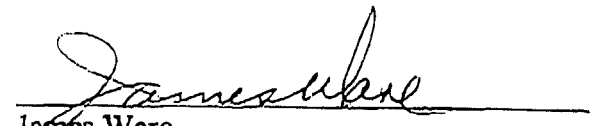
  
Susan Portillo  
Supervisory U.S. Probation Officer

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Having considered the information set forth above, the court finds there is probable cause to believe there has been a violation of the conditions of supervision and orders:

- ☐ The issuance of a no bail warrant.
- ☐ Other:

May 10, 2006  
Date

  
James Ware  
United States District Judge